

AMENDED IN SENATE MAY 4, 2005

SENATE BILL

No. 832

Introduced by Senators Perata, Lowenthal, and Torlakson
(Coauthor: Assembly Member Laird)

February 22, 2005

An act to amend Section 21159.24 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 832, as amended, Perata. CEQA: infill development.

The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. Existing law exempts from CEQA a residential project located on an infill site within an urbanized area that meets specified criteria, including that the site of the project is not more than 4 acres in total area and the project does not contain more than 100 residential units.

This bill would provide an alternative to those criteria if the site is located in a city with a population of more than 200,000 persons ~~by increasing the exempted, the site size to is not more than 10 acres, and the maximum number of residential units to project does not have less than 200 or more than 300, respectively residential units, as determined~~ *adopted* by a resolution of the city council.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the state should provide incentives to promote infill development and smart growth in urban areas and should discourage urban sprawl and the resulting adverse transportation, housing, and environmental impacts.

SEC. 2. Section 21159.24 of the Public Resources Code is amended to read:

21159.24. (a) Except as provided in subdivision (b), this division does not apply to a project if all of the following criteria are met:

- (1) The project is a residential project on an infill site.
- (2) The project is located within an urbanized area.
- (3) The project satisfies the criteria of Section 21159.21.
- (4) Within five years of the date that the application for the project is deemed complete pursuant to Section 65943 of the Government Code, community-level environmental review was certified or adopted.

~~(5) Either of the following criteria are met:~~

~~(A) The site of the project is not more than four acres in total area.~~

~~(B) If the site is located in a city with a population of more than 200,000 persons, the site is not more than 10 acres in total area, and this site acreage is determined by a resolution of the city council.~~

~~(6) Either of the following criteria are met:~~

~~(A) The project does not contain more than 100 residential units.~~

~~(B) If the site is located in a city with a population of more than 200,000 persons, the project does not contain more than 300 residential units and this number of units is determined by a resolution of the city council.~~

(5) The site of the project is not more than four acres in total area and the project does not contain more than 100 residential units.

(6) Notwithstanding paragraph (5), if the site is in a city with a population of more than 200,000 persons, the site is not more than 10 acres in total area, the project does not contain less than 200 residential units or more than 300 residential units, and the

1 *city council adopts this allowed site acreage and number of*
2 *residential units by resolution.*

3 (7) Either of the following criteria are met:

4 (A) (i) At least 10 percent of the housing is sold to families of
5 moderate income, or not less than 10 percent of the housing is
6 rented to families of low income, or not less than 5 percent of the
7 housing is rented to families of very low income.

8 (ii) The project developer provides sufficient legal
9 commitments to the appropriate local agency to ensure the
10 continued availability and use of the housing units for very low,
11 low-, and moderate-income households at monthly housing costs
12 determined pursuant to paragraph (3) of subdivision (h) of
13 Section 65589.5 of the Government Code.

14 (B) The project developer has paid or will pay in-lieu fees
15 pursuant to a local ordinance in an amount sufficient to result in
16 the development of an equivalent number of units that would
17 otherwise be required pursuant to subparagraph (A).

18 (8) The project is within one-half mile of a major transit stop.

19 (9) The project does not include any single level building that
20 exceeds 100,000 square feet.

21 (10) The project promotes higher density infill housing. A
22 project with a density of at least 20 units per acre shall be
23 conclusively presumed to promote higher density infill housing.
24 A project with a density of at least 10 units per acre and a density
25 greater than the average density of the residential properties
26 within 1,500 feet shall be presumed to promote higher density
27 housing unless the preponderance of the evidence demonstrates
28 otherwise.

29 (b) Notwithstanding subdivision (a), this division shall apply
30 to a development project that meets the criteria described in
31 subdivision (a), if any of the following occur:

32 (1) There is a reasonable possibility that the project will have
33 a project-specific, significant effect on the environment due to
34 unusual circumstances.

35 (2) Substantial changes with respect to the circumstances
36 under which the project is being undertaken that are related to the
37 project have occurred since community-level environmental
38 review was certified or adopted.

39 (3) New information becomes available regarding the
40 circumstances under which the project is being undertaken and

1 that is related to the project, that was not known, and could not
2 have been known, at the time that community-level
3 environmental review was certified or adopted.

4 (c) If a project satisfies the criteria described in subdivision
5 (a), but is not exempt from this division as a result of satisfying
6 the criteria described in subdivision (b), the analysis of the
7 environmental effects of the project in the environmental impact
8 report or the negative declaration shall be limited to an analysis
9 of the project-specific effect of the projects and any effects
10 identified pursuant to paragraph (2) or (3) of subdivision (b).

11 (d) For the purposes of this section, “residential” means a use
12 consisting of either of the following:

13 (1) Residential units only.

14 (2) Residential units and primarily neighborhood-serving
15 goods, services, or retail uses that do not exceed 15 percent of the
16 total floor area of the project.